

January 8, 2003

Mr. Howard Ris, President
Union of Concerned Scientists
Two Brattle Square
Cambridge, Massachusetts 02238-9105

Dear Mr. Ris:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of October 7, 2002, concerning security at the Nation's nuclear power plants. In your letter, you recommended measures to improve security and invited me, my fellow Commissioners and/or members of the NRC staff to a meeting at the offices of the Union of Concerned Scientists (UCS) in Washington, D.C., to discuss these recommendations.

Your letter contained several recommendations which will be considered in future revisions of security requirements. However, one of your recommendations will not be pursued. Specifically, you recommended periodic polygraph tests for licensee employees with access to sensitive Safeguards Information in order to determine whether they have provided that information to unauthorized persons. While I acknowledge that some U.S. Federal Agencies involved with security matters conduct polygraph tests of their own employees, the use of polygraph tests remains a very controversial subject with serious questions raised concerning the reliability of the results. Therefore, the NRC does not intend to pursue the use of polygraph tests unless more definitive evidence regarding their effectiveness is identified.

You referred to a letter of November 29, 2001, from UCS to Glenn Tracy, Director of the NRC's Division of Nuclear Security, in which UCS recommended that the NRC require: (a) a two-man rule for entry into vital areas; (b) armed security guard escorts when persons with visitor badges enter vital areas; and (c) a revision to the safety evaluations performed under 10 CFR 50.59 to require a determination whether a proposed activity unduly increases the threat of insider sabotage. You also recommended that in-plant security cameras be used to monitor workers in vital areas to reduce the potential for sabotage or tampering with safety equipment. As Mr. Tracy indicated in his January 25, 2002 response to your letter, your recommendations were considered when the staff developed the interim compensatory measures (ICMs) that were subsequently imposed on reactor and fuel storage licensees. The ICMs cannot be described here since they are sensitive Safeguards Information. However, a number of the ICMs are targeted at controlling the threat from an insider, including an employee or a visitor to the facility. The techniques you recommended in your letter are being considered as we develop additional preventive measures to protect against insider activities.

You also referred to a letter of April 13, 2001, to Mr. Tracy, recommending that NRC clearly communicate its expectations regarding oversight of security guard working hours and fatigue. This matter is part of a larger rulemaking effort to establish standards and requirements for working hours for certain employees, including security force members. However, as you noted, revising regulations is sometimes a lengthy process. In the interim, the

NRC is considering additional ICMs to ensure that security guards are not impaired by fatigue in carrying out their assigned duties.

Your letter also recommended resumption of force-on-force exercises as soon as possible to test licensees' ability to respond to terrorist acts. The NRC has recently conducted a number of tabletop drills with licensees, a step that precedes the conduct of force-on-force exercises. We are currently planning the resumption of NRC-supervised force-on-force exercises in early 2003. Of course, licensees have been conducting their own such exercises as part of the training of guards and the validation of updated security plans.

Lastly, I wish to thank you for the invitation to meet at your Washington, D.C. offices to discuss security matters. As I indicated in my letter of July 19, 2002, to Mr. David Lochbaum of UCS and Mr. Edwin Lyman of the Nuclear Control Institute, the staff has been considering UCS recommendations for discussing security matters with interested stakeholders. I understand that the staff plans to forward its analysis and recommendations to the Commission in the near future. In the meantime, because of the sensitive nature of the subject matter, we will consider meetings on security with appropriately cleared individuals on a case-by-case basis. Please continue to provide comments to the NRC staff; your comments are welcome and appreciated.

Sincerely,

/RA/

Richard A. Meserve

cc: David Lochbaum, UCS
Edwin Lyman, NCI